

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

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CASTEL, Senior District Judge:

The Court thanks Plaintiffs’ Discovery Steering Committee (the “DSC”) for their fulsome update on discovery, including the revelation by Google’s counsel on or about August 28, 2023 of certain documents inadvertently omitted from their production and the remedial steps taken by Judge Anderson. (ECF 631.) The number of documents that should have been reviewed but were not are said to exceed 5 million. (ECF 631 at 5.)


Plaintiffs’ DSC reports that Google has been ordered to complete its document production relating to the unreviewed documents by October 6, 2023. In a responsive letter to this Court, Google reports that it has “increased the size of its review team over 1,000 contract attorneys who are working seven days per week.” (ECF 632 at 2.)

Notably, plaintiffs’ DSC points out that Google has taken the position that, as a result of the foregoing problems caused by its document production deficiencies, it has not and will not presently respond to plaintiffs’ proposals sent on August 10, 2023 and September 1, 2023 to resolve remaining disputes on search terms and custodians relating to discovery that is specific to plaintiffs in this MDL.

Discovery matters in this MDL and in the action in the Eastern District of Virginia are coordinated to the extent set forth in the Order of June 2, 2023. (ECF 564.)

To avoid interference with the schedule in the Eastern District of Virginia, the Court will direct that Google and the plaintiffs' DSC meet and confer on the open issues described relating to search terms and custodians and submit the resolution—or the outstanding issues in dispute—to this Court by October 20, 2023. Google claims it needs “advance notice of the specific issues Plaintiffs wish to discuss” so that it may have appropriate individuals attend. Plaintiffs' DSC shall provide such a letter by October 6, 2023.

SO ORDERED.

  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
September 26, 2023